

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No. 7959 of 2015
Date of Order: 27.04.2015

Balwinder Singh and others

..Petitioners

Versus

Director, Rural Development and Panchayat
Department, SAS Nagar (Mohali) and others

..Respondents

CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Ish Puneet Singh, Advocate,
for the petitioners.

RAJIVE BHALLA, J (Oral)

The petitioners pray for issuance of a writ of certiorari quashing order dated 14.08.2014 (Annexure P-3), passed by the Director, Department of Rural Development Punjab, SAS Nagar (exercising the powers of Commissioner, under the Punjab Village Common Lands (Regulation) Act, 1961), accepting an appeal filed by the Gram Panchayat, setting aside the order passed by the Collector and holding that the land is "Shamilat Deh".

Notice of motion.

Counsel for the petitioners submits that Civil Writ Petition No.26456 of 2014 (**Amolak Singh v. Director, Rural Development and Panchayat Department, SAS Nagar, Mohali and others**), arising from the impugned order has already been allowed. The orders passed by the Director, Rural Development and Panchayat and the Collector have been set aside and the matter has been remitted to the Collector for a fresh adjudication.

Mr. M.L.Saini, Advocate, who has put in appearance on behalf of contesting respondent no.3-Gram Panchayat does not deny the correctness of the statement and states that he has no objection if the petition is allowed.

We have heard counsel for the parties and as counsel for the parties are ad-idem that controversy in the present petition is covered by the judgment in Civil Writ Petition No.26456 of 2014 **Amolak Singh v. Director, Rural Development and Panchayat Department, SAS Nagar, Mohali and others**, allow the writ petition, set aside orders dated 23.05.2001 (Annexure P-1) and 14.08.2014 (Annexure P-3), passed by the Divisional Deputy Director, Rural Development and Panchayats-cum-Collector, Jalandhar/Amritsar, the Director, Department of Rural Development Punjab, SAS Nagar, Mohali, respectively and remit the matter to the Collector, to decide the petition afresh, within a period of six months from the appearance of the parties. Parties are directed to appear before the Collector, Amritsar, on 14.05.2015.

Parties shall maintain status quo with respect to possession till the matter is decided.

(RAJIVE BHALLA)
JUDGE

April 27, 2015
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(AMOL RATTAN SINGH)
JUDGE